

Draft of 3/2/05

**Chadds Ford Township Board of Supervisors Meeting
February 2, 2005
M I N U T E S**

OFFICIALS PRESENT: George M. Thorpe, Chairman
Deborah Love D'Elia, Vice Chairman
Garry Paul, Member
Kathryn Luce Labrum, Acting Township Solicitor
Kevin Matson, Acting Township Engineer
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER – REGULAR MEETING

Mr. Thorpe called the regular meeting of the Board of Supervisors to order at 7:35 PM. A public meeting was held at 7:00 PM for the purpose of taking public comments on the Township's incurrence of non-electoral debt through the issuance of a Commerce Bank general obligation note as part of financing for Turner's Mill. The Pledge of Allegiance was recited. Mr. Thorpe pointed out emergency exits.

STATE POLICE REPORT

No report was available.

TOLL BROTHERS/CAMP SUNSET HILL SUBDIVISION/LAND DEVELOPMENT PRESENTATION

Mr. Thorpe announced a slight change in the agenda and recognized Susan Line Boswell, Esquire, attorney for Toll Brothers. At Mrs. Boswell's request, the Camp Sunset Hill matter was removed from tonight's agenda and was rescheduled for a special Board meeting to be held Friday, February 18, 2005, at 3:00 PM. Toll's representative was agreeable to granting an extension of the MPC clock if necessary.

APPROVAL OF MINUTES – January 3, 2005

Minutes of the January 3, 2005 meeting were circulated for review. Mr. Thorpe suggested several revisions.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF January 3, 2005

Upon motion and second (D'Elia, Paul), the Supervisors approved the minutes of January 3, 2005 Board of Supervisors' meeting, draft dated 2.1.05.

APPROVAL OF MINUTES – January 26, 2005

Mrs. Furlong had transcribed minutes of the Board's January 26th special meeting.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF January 26, 2005

Upon motion and second (D'Elia, Paul), the Supervisors approved the minutes of January 26, 2005 Board of Supervisors' meeting.

REPORTS

SUPERVISORS' REPORT

Mr. Thorpe reported that two or more Supervisors had been together for the following meetings:

- On 1/7 with representatives of the Emergency Preparedness Committee;
- Again on 1/7 with Thomas Comitta regarding the proposed Route One Overlay Ordinance;
- On 1/12 with Planning Commission members regarding legal issues, and
- On 1/26 George Thorpe and Garry Paul met with/Jim Kelly re legal issues.

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TREASURER'S REPORT

Mrs. Furlong reported the following figures and balances for the month of January 31, 2005:

Total all deposits to General Fund:	\$	45,527.17
Total disbursements General Fund:	\$	58,250.39
Total disbursements Escrow Account:	\$	4,069.57
Cash Accounts Balances	\$	606,631.18

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Paul, D'Elia), the Supervisors unanimously voted to approve the Treasurer's Report for January, 2005, and authorized the payment of bills in the amount of \$58,250.39 and payment of interest in the amount of \$4,069.57 as listed in reports noted above.

ROADMASTER'S REPORT

Joe Barakat, Township Roadmaster, presented the Roadmaster's report for the month of January. A copy follows these minutes.

Mrs. Reardon asked if someone could check a problem with a culvert on Heyburn Road near Tally Ho Drive.

PLANNING COMMISSION

Mrs. Force, Planning Commission Secretary, present the report for the meeting of January 12, 2005. There was no public comment.

James Fritsche, PE, was in attendance to review the Keefe subdivision

application. Mr. Todd questioned the removal of trees twelve (12) inch or larger in diameter. The applicant intends to remove four (4) trees, with no intention of replacing any because of the wooded nature of the lot. There were no comments from the audience. Planning Commission recommended approval.

Toll Brother's Camp Sunset Hill project was discussed with almost all issues being resolved. Emergency access was reviewed. Planning Commission recommended approval.

Calvary Chapel presented a land development application. Comments from Kelly Engineer's review letter were discussed. The applicant is to submit revised plans.

Mike Lyons, Esquire, made an informal presentation on behalf of Joe Grace who proposes to purchase the Chadds Ford Inn and make renovations. There were many questions from Commission members, including parking requirement concerns.

Thomas Comitta reviewed the proposed Route One Overlay Ordinance.

ZONING HEARING BOARD

Mr. Wandersee reported that the Zoning Hearing Board met on January 19th. The meeting started with the reorganization of the Board. Mr. Wandersee was elected Chairman, with Mr. Reardon being elected Vice Chairman.

A hearing on the deGranzia application was held. The proposal concerns a plan to renovate an existing dwelling for residential use with a request for expansion of the cubic content. Both requests were granted.

The next meeting will be held on February 16, 2005, on applications made by 111 Marshall Road and David Goodman.

HARB

There were no applications ready for review during the month of January.

SEWER AUTHORITY

Mr. Murray was present to give the Sewer Authority's report for the month of January, with all operations being normal.

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BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen was not present, but a written report and accompanying checks was submitted.

TOWNSHIP ENGINEER

Mr. Matson presented the Engineer's report for the month of January. A copy of the report, dated February 2, 2005, follows the minutes.

Proposed changes to the Township's Stormwater Ordinance 104 were discussed

and a draft of same was submitted for the Supervisors' review.

Mr. Thorpe questioned when construction might start at Turner's Mill. The Township Engineer is waiting for all information to be submitted from various contractors. Construction is likely to begin next month.

OPEN SPACE COMMITTEE

Chairman Debbie Reardon presented the Open Space report for the meeting held on January 18, 2005. A full copy of the report follows these minutes.

TOWNSHIP PROPERTIES COMMITTEE

The Committee did not meet during the month of January.

FINANCIAL ADVISORY BOARD

The Board did not meet during the month of January.

ANNOUNCEMENTS

Mr. Thorpe announced that the Township had received information that the US Census Bureau will conduct a short form census for 2010. Residents can expect to receive questionnaires with a response being mandatory. The Census Bureau is also hiring permanent part-time personnel. Additional information is available from the Township Secretary.

Mr. Paul announced that the Township has received official notification from DEP of the awarding of a \$150,000 grant for the Sewer Authority's use in completing three projects.

PUBLIC COMMENT

Mr. Prabel asked for news of Richard Jensen's progress after surgery on January 20th. Mrs. Force gave an encouraging update.

Roger Ayscough, Harvey Road, asked if the Supervisors would consider adopting a noise ordinance similar to that of Birmingham Township. Mrs. Force volunteered to obtain a copy of the ordinance for the Supervisors' review.

Fred Reiter, Atwater Road, asked if the trees on a property are taken into considered when calculating stormwater runoff. Kevin Matson responded that a number of issues are studied, including trees, soil types and cover types. If a minor decrease in the number of trees is proposed, it is more difficult to determine the effect on runoff, as opposed to a larger number of trees being removed.

Joe Barakat, Spring Lane, Mr. Matson and Mr. Paul discussed stormwater system designs, reduction and runoff rates and 2, 5, 10, 25 and 100 year storm requirements.

OLD BUSINESS

There were no topics on the agenda under Old Business.

NEW BUSINESS

HARB APPOINTMENT

At the last Board meeting Mr. Thorpe asked for volunteers to fill a vacancy on the HARB Board. One application was received. Mrs. Love D'Elia recommended the appointment of Kathleen Koch, 1321 Baltimore Pike.

MOTION TO APPOINT HARB Member

Upon motion and second (D'Elia, Paul), the Board approved the appointment of Kathleen Koch to serve as a member of the Historical and Architectural Review Board. Mrs. Koch's term will run through December 31, 2009.

FIRE MARSHALL APPOINTMENT

Mr. Thorpe stated that a number of qualified resumes were submitted. The Supervisors selected Township resident Philip Wenrich as the most qualified candidate for the position.

MOTION TO APPOINT FIRE MARSHALL

Upon motion and second (D'Elia, Thorpe) the Board of Supervisors appoint Philip Wenrich to serve as the first Fire Marshall of Chadds Ford Township.

Mr. Wenrich thanked the Board for their confidence.

DEPUTY CODE ENFORCEMENT OFFICER APPOINTMENT

The term for the newly created position of Deputy Code Enforcement Officer had not been renewed at the Board's organization meeting in January, thus it was necessary to officially make the appointment.

MOTION TO APPOINT DEPUTY CODE ENFORCEMENT OFFICER

Upon motion and second (Paul, Thorpe), the Board unanimously approved the appointment of Joseph Barakat as Deputy Code Enforcement Officer.

CHADDS FORD BUSINESS CAMPUS LOTS #10, #11 and #12

Donald T. Petrosa, Esquire, Mark Eisenhardt of the Henderson Office Group and Jeff Nagourney, PE, of Vollmer Engineers presented revisions to Chadds Ford Business Campus Lots #10, #11 and #12. Approval was being sought to provide access Road "A" for Toll Brother's Camp Sunset Hill development. The applicant had appeared before the Township's Planning Commission and received a recommendation for approval. Issues in a review letter from Kelly Engineers had been addressed. There was discussion to clarify when the Township will take dedication of the road and what portion will be taken. The

portion under consideration is Road "A", and that portion of Hillman Drive from Route 202 to Road "A". A note will be added to the plan indicating same. All other roads within the Toll development will remain private.

Mr. Nagourney reviewed proposed changes to Lots #10, #11 and #12. Approved land development plans were previously recorded, but revisions for the access road made it necessary to amend those plans.

Board members had no problems with the plan for Lot #12. However, on Lots #10 and #11, the Supervisors questioned the number and placement of points of ingress and egress, voicing concerns as to the proximity to intersections, specifically the road from Lot #11, the northernmost driveway from Road "A". Mr. Eisenhardt responded that the developer tried to match driveways of opposite buildings to provide direct access for autos and pedestrians. Mr. Eisenhardt further stated that not providing such access could cause Henderson a problem in the future.

Mr. Wandersee voiced agreement with the Supervisors' comments. Mr. Reiter was concerned with a temporary sediment trap located on Lot #12.

Mr. Nagourney was asked to contact Jim Takas, engineer for Toll Brothers, to resolve the Supervisors' concerns. Mr. Petrosa recommended revising the proposed resolutions and scheduling

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same for further review at the Board's special meeting on February 18th. Mr. Matson stated that the Toll plans will have to be revised also. Mr. Thorpe tabled the matter until February 18, 2005.

STONEBROOK III SUBDIVISION/LAND DEVELOPMENT APPLICATION

John Fellows, PE, of Vollmer Engineers and Paul McLaughlin, of Newlin Homes reviewed an application for a three lot subdivision on Atwater Road. The applicant has complied with all requirements of Township ordinances and was not requesting any zoning relief. The applicant had received a recommendation for approval from Planning Commission in November of 2004, however, the Board of Supervisors had remanded the matter to Planning for resolution of a number of outstanding issues. Mr. Fellows indicated that all comments of the Kelly review letter dated January 6, 2005 have now been addressed as follows:

- DEP had approved applicant's planning module application on 12/23/04
- Delaware County Conservation District had approved erosion control measures on 1/25/05;
- The applicant has obtained a NPDES permit;
- The Township assigned street addresses for the lots.

Mr. Thorpe questioned prior comments from Delaware County Conservation. Mr. Fellows responded that all issues were resolved and a NPDES permit was issued.

Mr. Paul suggested that additional trees be planted as a buffer and asked how many of large trees were being removed for driveways. Mr. Fellows indicated that fifteen (15) trees of twelve inch or greater caliber were being removed and eight new trees will be planted. Mr. Paul was concerned about the front of property and asked if Mr. McLaughlin would be willing to add additional trees in that area. The applicant agreed to do so. Mr. Fellows suggested the tree be strategically clumped rather than planted in a straight row. Mr. Paul suggested deer resistant trees with a mixture of deciduous and evergreen. The applicant further agreed to install a safety fence to protect disturbed area from undisturbed area and trees.

Lana Sheer, Atwater Road, stated that she had reviewed plans, revision date of 12/4/04, and there was no difference from earlier plans. Ms. Sheer said that Planning Commission had requested all trees eighteen inches and over in diameter be sited on the plan. Additionally, no conifers are shown on any plans, only deciduous trees. Mr. Jensen had inspected the site and indicated that no trees of that size existed on the lot.

Ms. Sheer suggested that other developers were also causing problems on Atwater Road. Mrs. Love D'Elia asked that Ms. Sheer provide her with information regarding problems for further investigation.

Keith Klaver, 4 Atwater Road, stated that he met with Richard Jensen, JP Kelly and Garry Paul regarding problems created by runoff from the old Osborne property. A number of steps to help alleviate the problem were agreed to at that time. Mr. Paul added that another analysis was performed by the Township Engineer and that the developer, Megill Homes will be informed that corrective actions can be taken as soon as weather permits. Mr. Klaver asked if stormwater from Stone Brook III will effect Atwater Road. Mr. Matson replied that the stormwater management was designed so that the water will be recharged into the ground rather than running off.

The use of circular driveways and the increase in impervious coverage was discussed. Mr. Paul asked if the applicant would be agreeable to removing the two proposed circular driveways. Mr. McLaughlin agreed to do so.

Mr. Thorpe asked if there were any more question from audience. Mr. Reiter asked where the well will be located on Lot #1, with Mr. Fellows responding.

RESOLUTION 2005-3 MOTION TO APPROVE PRELIMINARY/FINAL SUBDIVISION APPLICATION – STONE BROOK III

Upon motion and second (Paul, D'Elia) the Supervisors approved the Preliminary/ Final subdivision application of Stone Brook III, subject to the six conditions and one waiver as noted in the Resolution.

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ORDINANCE 107 – COMMERCE BANK GENERAL OBLIGATION NOTE

A special hearing was held at 7:00 PM this evening for the purpose of taking public comment on the issuance of a general obligation note through Commerce Bank in the amount of \$900,000 for financing the Turner's Mill project. Mr. Paul reviewed the terms of

the loan.

MOTION TO APPROVE ORDINANCE 107 – COMMERCE BANK GENERAL OBLIGATION NOTE

Upon motion and second (Paul, D'Elia), the Board of Supervisors approved Ordinance 107, authorizing the incurrence of debt through a general obligation note to be issued by Commerce Bank in the amount of 900,000, with a closing date of February 28, 2005.

ORDINANCE 108 – OPEN SPACE

There was discussion regarding terminology in the proposed ordinance that will place an Open Space referendum question the ballot in May. Mrs. Reardon and Ms. Saunders were concerned that the term "acquisition" was not broad enough to cover expenses to be incurred for preparation of a comprehensive plan that will be necessary before Open Space can seek grant monies. Katherine Labrum, acting Township Solicitor, confirmed that the referendum as presented would allow the Supervisors to approve expenditures for planning purposes. The Supervisors were in agreement, as long as specific proposals are presented as to how funds will be spent.

Mrs. Labrum announced that the millage amount had been decreased to .28, a reduction from the .2845 in the legal advertisement.

MOTION TO APPROVE ORDINANCE 108 – OPEN SPACE REFERENDUM

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved Ordinance 108, directing the Delaware County Board of Elections to place a special question on the May ballot regarding the assessment of additional millage for funding acquisition of land within the Township for Open Space.

SCHEDULING OF PUBLIC HEARING and BOARD OF SUPERVISORS' SPECIAL MEETING

Mr. Thorpe announced that a public hearing and special meeting of the Supervisors is scheduled for Friday, February 18, 2005 at 3:00 PM to consider the following:

- The proposed Route One Overlay Ordinance as reviewed by the Township Planning Commission and written by Thomas Comitta
- Amendments to the Township's Stormwater Ordinance 104
- Toll Brothers/Camp Sunset Hill Subdivision Application
- Chadds Ford Business Campus Lots #10, #11 and #12 Land Development Plan Revision

Mr. Prabel suggested that all homeowners within the overlay district be given written notice as to the proposal. There was discussion of the proposal, with Mr. Thorpe taking the suggestion under advisement.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:04 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary